

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - W/S York Road, 115' N of the c/l of Ashland Road, 8th Election District, 3rd Councilmanic District, Cockeysville Vol. Fire Co. Petitioner

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 89-395-SPH

AMENDED ORDER

WHEREAS, the Petitioner requested a special hearing to approve the use of the subject property for a fire station in compliance with Policy BM-10B, and a variance to permit side and rear yard setbacks of 10 feet each in lieu of the required 30 feet for the proposed fire station, and a side yard setback of 0 feet in lieu of the required 30 feet for the existing facility, in accordance with Petitioner's Exhibit 1.

WHEREAS, the Petitioner was granted relief in part and denied relief in part, subject to certain restrictions, in an Order dated April 17, 1989; and,

WHEREAS, subsequent to the April 17, 1989 Order, the Petitioner did request an opportunity to address certain issues and to obtain additional relief, if possible. A hearing for reconsideration was held on May 22, 1989 in which all of the original parties did appear and arguments were heard; and,

WHEREAS, substantive arguments were presented concerning both the requested 0 ft. setback variance for the existing fire station building and the restrictions concerning the shared usage of the 30 foot wide ingress and egress, in fee, stripped for the new proposed fire station. The parties arguments were presented concerning the application of appropriate case law to the facts in the record. The arguments concerning the

appropriate zoning variance standard were presented with the difference of opinion settling on the relevance of the use of the property to the proposed unreasonable hardship; and

WHEREAS, the Petitioner presented conclusive arguments that the proposed variance for the existing building should have been granted in light of the unreasonable hardship standard set forth in McLean v. Soley 270 Md. 208 (1973); and,

WHEREAS, the Petitioner did argue conclusively that the variance for the existing building was supported by substantive uncontradicted evidence that the only way to cure the intrusion into the side yard setback area would be to remove the building. That the proposed future use of the existing building is not one of the standards set forth in Section 307.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and as applied in the McLean v. Soley test; and,

WHEREAS the Petitioner and the Protestant have debated the issues concerning the proposed joint ingress and egress, in fee, access strip and the Petitioner has argued persuasively that the issue of the access strip is not properly before the Zoning Commissioner, as jurisdiction to entertain this matter is not afforded under the Petition for Special Hearing nor the Petition for Zoning Variance filed in this case. The Zoning Commissioner's authority under Section 502.2 of the B.C.Z.R. is limited to relief requested, pursuant to petitions for special exception filed. In a proper case, pursuant to Section 502.2, the Zoning Commissioner shall impose such conditions, restrictions, or regulations as may be deemed necessary or advisable for the protection of the surrounding and neighboring properties. As no such Petition was filed concerning this matter, the

-2-

Zoning Commissioner is not possessed with the requisite authority to address the access strip issue; and,

WHEREAS, the Petitioner has persuasively argued that the safety issues raised by the Protestant are hypothetical and not supported by any substantive evidence in the record. That the possible safety issues that have been raised are not confirmed by any of the reviewing agencies of the "Baltimore County Zoning Plans Advisory Committee" charged with review and oversight of proposals before the Zoning Commissioner. That the safety issues have been properly addressed and that no objections to the joint access has been raised by the Maryland Department of Transportation, the Baltimore County Bureau of Traffic Engineering or the Baltimore County Fire Department. That the Court of Appeals has ruled in Anderson v. Sawyer, 23 Md. App. 612, 624 (1974) that the evidence to overcome the presumption that a use is correct and permitted within a zone, must be strong and substantial with facts showing that the particular use has detrimental affects above and beyond those inherent with the use. The evidence in the record does not establish a strong and substantial case of detrimental impact upon the community.

THEREFORE, IT IS HEREBY ORDERED by the Zoning Commissioner for Baltimore County, this 25<sup>th</sup> day of May, 1989 that the Order dated April 17, 1989 be and the same is hereby modified to exclude restriction nos. 3 and 4, thereby deleting all restrictions upon the ingress and egress, in fee, access strip.

IT IS FURTHER ORDERED, that the Petition for Zoning Variance to permit a side yard setback of 0 feet in lieu of the required 30 feet for the existing building, as shown on Petitioner's Exhibit A, be and is hereby GRANTED, subject, however, to the following restrictions:

-3-

1. The variance so granted is only for the existing structure and that any modification to the exterior of the existing structure within the 30 foot side yard setback area is strictly prohibited.

2. The subject variance shall not be incorporated into any new structure and any new structure must comply with all area setback and bulk regulations found in the B.C.Z.R.

IT IS FURTHER ORDERED, that all other terms, conditions, and restrictions of the original Order of April 17, 1989 be and hereby are enforced except as amended by this Order.

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:mmm  
cc: Peoples Counsel

ORDER RECEIVED FOR FILING  
Date 5/25/89  
By M. Haines

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3333

May 24, 1989

J. Robert Haines  
Zoning Commissioner

James F. Offutt, Jr., Esquire  
Jefferson Building, Suite 414  
Towson, Maryland 21204

RE: AMENDED ORDER  
Cockeysville Volunteer Fire Company - Petitioners  
Case No. 89-395-SPHA

Dear Mr. Offutt:

Enclosed please find a copy of the Amended Order in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Amended Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:mmm  
encl.: Mr. Jeffrey B. Hazard  
cc: 717 York Road, Towson, Md. 21204

Mr. Elwood H. Banister, President  
Cockeysville Volunteer Fire Co.  
Cockeysville, Maryland 21030

Ralph K. Rothwell, Jr., Esquire  
Haskin, Haskin and Rothwell  
7508 Eastern Avenue  
Baltimore, Maryland 21224

Peoples Counsel

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - W/S York Road, 115' N of the c/l of Ashland Road, 8th Election District, 3rd Councilmanic District, Cockeysville Vol. Fire Co. Petitioners

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 89-395-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the use of the subject property for a new fire station in compliance with Policy BM-10B, and a variance to permit side and rear yard setbacks of 10 feet each in lieu of the required 30 feet for the proposed fire station, and a side yard setback of 0 feet in lieu of the required 30 feet for the existing facility, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Deputy Chief Elwood H. Banister, President, appeared, testified, and were represented by James F. Offutt, Jr., Esquire, and Ralph K. Rothwell, Jr., Esquire. Also appearing on behalf of the Petition were George E. Gavrelis, expert land planner with Daft-Hall-Walker, Inc. The following area residents appeared in support of the Petition: Grason E. Fowble, John T. Holland, Charles C. Cole, Clarence E. Tracey, Sarah H. Adams, and Michael E. Daughaday. Jeffrey B. Hazard, Esquire, appeared and testified as a Protestant.

Testimony indicated that the subject property consists of 3.07 acres more or less split zoned BR-1M and ML-1M. The BR-1M zoned portion of the property is improved with a fire house used by the Cockeysville Volunteer Fire Company. Petitioner's president, Elwood H. Banister, who is also Chief Deputy for the Baltimore County Fire Department, testified the Petitioner was the first volunteer fire company in Baltimore County

and has been in existence for more than 100 years. He testified the Company has operated from the subject site for more than 50 years and that presently, there are 135 members. He indicated that while the existing building has been expanded several times, its size and dimensions remain inadequate to house the membership and accommodate the new, more modern fire equipment.

George Gavrelis testified the proposed fire station will be constructed in the ML-1M zoned portion of the subject property, which permits volunteer fire company facilities as a matter of right. Mr. Gavrelis testified the Petitioners requested the special hearing for an interpretation of Policy BM-10B which concerns the calculations for parking requirements for a volunteer fire company. He indicated that the proposed fire station will not meet the requirements if parking needs are calculated based on Policy BM-10B. Mr. Gavrelis testified the Policy was established to insure that enough parking spaces existed when social functions take place at fire halls. He testified the proposed fire station will not be used for such purposes and as such, the parking requirements set forth in Policy BM-10B should not apply in this instance. Mr. Gavrelis testified Petitioners have entered into a 10-year lease agreement to lease the front two-thirds of the subject property, including the existing fire hall, for a new/used car dealership. Petitioners believe the rent from said lease will pay any expenses incurred for the operation of the new fire hall. Mr. Gavrelis testified there is more than enough parking to accommodate volunteer fire company personnel on duty.

Testimony indicated the variances requested to the side and rear yard setback requirements are necessary in order to construct the new building. Mr. Gavrelis testified the size of the new station has been

- 2 -

determined by the size of the equipment to be stored therein and the type of ancillary uses associated with such equipment. Testimony indicated that the requested variances will not result in any detriment to the health, safety or general welfare of the public. Further testimony indicated that all of the surrounding property is zoned ML-1M and is occupied by large, industrial/commercial uses.

Further testimony indicated the requested 0-foot setback variance is for the existing building. Chief Banister testified it is anticipated the Lessee will use the existing building for commercial purposes and due to such change in use, the building would no longer be nonconforming and, therefore, must be brought into compliance with the zoning regulations.

Jeffrey Hazard testified in opposition to the variance requested for the existing building. In his opinion, traffic which may be generated by the proposed car dealership will create a safety hazard for emergency equipment in light of the fact that ingress and egress to both sites on the subject property would be from the same access road. Mr. Hazard testified he does not believe the car dealership should be allowed to use the existing fire station without applying for a variance on its own. Further he does not believe a variance for the use proposed should be granted to a volunteer fire company. Testimony indicated he is not opposed to the new fire station nor the relief requested herein for same.

The comments submitted by the Office of Planning dated March 28, 1989 are similarly concerned with the use proposed for the existing building. Their comments state in part:

"One of the primary concerns within the Office of Planning and Zoning is the reverse of the existing fire station on York Rd. The layout, design and redevelopment of that portion of the site raises planning concerns of 1) adequate parking lot layout, 2) shared access with the relocated fire company, and 3) elimination of the 70-foot curb cut

- 3 -

ORDER RECEIVED FOR FILING  
Date 5/25/89  
By J. Robert Haines

ORDER RECEIVED FOR FILING  
Date 5/25/89  
By J. Robert Haines

ORDER RECEIVED FOR FILING  
Date 5/25/89  
By J. Robert Haines



ORDER RECEIVED FOR FILING  
Date 4/17/89  
By J. Robert Haines

along York Road. Because the front portion of the applicant's site has not been scheduled for redevelopment, staff feels that any variances to the existing structure would be premature. Although the variances are technically applied to the existing building at its existing configuration, the granting of variances might extend to future development and might preempt the County from obtaining future adjustments to any redevelopment proposed in the future, including building expansion in depth, height, etc."

It should be noted that Petitioners submitted a revised site plan, identified as Petitioner's Exhibit A, which did not change the substantive relief requested but merely reflected a revised building footprint, parking and grading for the proposed building. Petitioner's Exhibit A replaces Petitioner's Exhibit 1 and therefore is the plan to which the relief requested will be tied. In addition, Petitioners submitted a plan identified as Petitioner's Exhibit B which depicts the floor plans for the proposed building. Said plan shows a meeting room for the proposed building; however, all testimony indicated the meeting room will be used by volunteer fire personnel only and will not be for public use.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a

- 4 -

permitted purpose or render conformance unnecessarily burdensome;

- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the requested side yard setback of 0 feet for the existing structure should not be granted. There is insufficient evidence to allow a finding that Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. However, it is clear from the testimony that if the variances requested for the proposed building are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variances, as hereinafter modified, should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of April, 1989 that the Petition for Special Hearing to approve a new fire station on the subject property is in compliance with Policy BM-10B, and the Petition for Zoning Variance to permit side and rear yard setbacks of 10 feet each in lieu of the required

- 5 -

ORDER RECEIVED FOR FILING  
Date 4/17/89  
By J. Robert Haines

ORDER RECEIVED FOR FILING  
Date 4/17/89  
By J. Robert Haines

30 feet for the proposed fire station, in accordance with Petitioner's Exhibit A, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Landscaping shall be provided at a minimum in accordance with the Baltimore County Landscaping Manual. Petitioners shall submit a landscaping plan for approval by the Landscape Planner. A copy of the approved plan shall be submitted to the Zoning Commissioner's Office for inclusion in the case file.
- 3) The access road shall be limited to use by the Cockeysville Volunteer Fire Company only. Further, both sides of the entrance to the property shall be posted with single-faced signs of 6 sq.ft. each which clearly state that the access road is to be used solely for ingress and egress to the Fire Station.
- 4) In accordance with Restriction No. 4 above, at such time as the Contract Lessee begins utilizing the existing building, he must demonstrate to the Deputy Director, Baltimore County Office of Planning and Zoning, that adequate access to his property can be provided via York Road.

IT IS FURTHER ORDERED that the Petition for Variance to permit a side yard setback of 0 feet in lieu of the required 30 feet for the existing building be and is hereby DENIED.

JRH:bjs

- 6 -

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3333  
J. Robert Haines  
Zoning Commissioner

April 17, 1989



Dennis F. Rasmussen  
County Engineer

James F. Offutt, Jr., Esquire  
Jefferson Building, Suite 414  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE  
W/S York Road, 115' W of the c/l of Ashland Road  
8th Election District - 3rd Councilmanic District  
Cockeysville Volunteer Fire Company - Petitioners  
Case No. 89-395-SPHA

Dear Mr. Offutt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been granted in part and denied in part in accordance with the attached Order.

In the event any party finds the decision rendered in the above-captioned matter unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: Mr. Jeffrey B. Hazard  
717 York Road, Towson, Md. 21204

People's Counsel

File

### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

(Item 329)  
89-395-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 253.1 and 238.2 to permit side and rear yards of 10 feet instead of the required 30 feet for proposed Fire Hall, a side yard of 0 feet instead of 30 feet for existing building.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

- 1) To allow the construction of a new Fire Station for Cockeysville Volunteer Fire Co.
- 2) To bring an existing building in compliance with the current zoning regulations.
- 3) For such other and further reasons as may be assigned at the time of the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s): (Type or Print Name)  
Signature  
Address  
City and State

BY: (Type or Print Name)  
Signature  
Address  
City and State

Attorney for Petitioner: (Type or Print Name)  
Signature  
Address  
City and State

James F. Offutt, Jr.  
(Type or Print Name)  
Signature  
Suite 414, Jefferson Building  
Address  
Towson, Maryland 21204  
City and State  
Attorney's Telephone No.: 823-2393

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of Feb, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 29th day of March, 1989, at 3 o'clock P.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

### PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

(Item 329)  
89-395-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the plan submitted by Cockeysville Volunteer Fire Co. because its specific use is different than the use as specified under policy BM-10B

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s): (Type or Print Name)  
Signature  
Address  
City and State

BY: (Type or Print Name)  
Signature  
Address  
City and State

Attorney for Petitioner: (Type or Print Name)  
Signature  
Address  
City and State

James F. Offutt, Jr.  
(Type or Print Name)  
Signature  
Suite 414, Jefferson Building  
Address  
Towson, Maryland 21204  
City and State  
Attorney's Telephone No.: 823-2393

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of Feb, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 29th day of March, 1989, at 3 o'clock P.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING  
Date 4/17/89  
By J. Robert Haines

### PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

329  
89-395-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the plan submitted by Cockeysville Volunteer Fire Co. because its specific use is different than the use as specified under policy BM-10B

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s): (Type or Print Name)  
Signature  
Address  
City and State

BY: (Type or Print Name)  
Signature  
Address  
City and State

Attorney for Petitioner: (Type or Print Name)  
Signature  
Address  
City and State

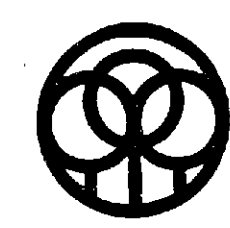
James F. Offutt, Jr.  
(Type or Print Name)  
Signature  
Suite 414, Jefferson Building  
Address  
Towson, Maryland 21204  
City and State  
Attorney's Telephone No.: 823-2393

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of Feb, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 29th day of March, 1989, at 3 o'clock P.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING  
Date 4/17/89  
By J. Robert Haines

DAFT-MCCLINE-WALKER, INC.



200 East Pennsylvania Avenue  
Towson, Maryland 21204  
Telephone: 301-296-3333  
Land Planning Consultants  
Landscape Architects  
Engineers & Surveyors

329

Description to Accompany Petition for Zoning Variance

Cockeysville Volunteer Fire Company Property

Eighth Election District, Baltimore County, Maryland

Beginning for the same on the west side of York Road at

the end of the second of the two following courses and distances, measured from the point formed by the intersection of the centerline of York Road with the centerline of Ashland Road, (1) Northwest 115 feet more or less and thence (2) Southwesterly 33 feet more or less to the point of beginning, thence leaving said point of beginning and running the ten following courses and distances, viz: (1) North 88 degrees 42 minutes West 196.75 feet, thence (2) South 12 degrees 47 minutes East 100.00 feet, thence (3) North 88 degrees 42 minutes West 30.00 feet, thence (4) North 13 degrees 16 minutes West 100.00 feet, thence (5) North 88 degrees 42 minutes West 352.55 feet, thence (6) North 10 degrees 48 minutes West 264.11 feet, thence (7) South 87 degrees 46 minutes East 342.29 feet, thence (8) South 88 degrees 42 minutes East 30.00 feet, thence (9) South 12 degrees 47 minutes East 80.00 feet, and thence (10) South 88 degrees 42 minutes East 200.00 feet to intersect the aforesaid west side of York Road, thence running and binding thereon the

Page 1 of 2

two following courses and distances, viz: (11) Southerly 80 feet and thence (12) South 12 degrees 47 minutes East 100.00 feet to the point of beginning; containing 3.07 acres of land, more or less.

NOTE: THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONVEYANCE.

January 20, 1989

Our Job No. 87049 (L87049.1)

ORDER RECEIVED FOR FILING  
Date 4/17/89  
By J. Robert Haines



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

May 4, 1989

James F. Offutt, Jr., Esquire  
Jefferson Building, Suite 414  
Towson, Maryland 21204

Ralph K. Rothwell, Jr., Esquire  
Maslan, Maslan & Rothwell  
7508 Eastern Avenue  
Baltimore, Maryland 21224

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE  
W/S York Road, 115' N of the c/l of Ashland Road  
8th Election District - 3rd Councilmanic District  
Cockeysville Volunteer Fire Company - Petitioners  
Case No. 89-395-SPHA

Dear Messrs. Offutt and Rothwell:

In accordance with the attached correspondence, please be advised that a "motion for reconsideration" has been entered by the Cockeysville Volunteer Fire Company by letter dated April 25, 1989. Accordingly, a hearing has been scheduled for May 22, 1989 at 9:00 AM to reconsider those portions of the Order issued April 17, 1989 with which the Petitioner finds conflict.

If you have any questions concerning this matter, please do not hesitate to call this office.

Very truly yours,  
J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: Jeffrey B. Hazard, Esquire  
717 York Road  
Towson, Maryland 21204

Case File  
People's Counsel

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

May 4, 1989

Mr. Elwood H. Banister, President  
Cockeysville Volunteer Fire Company  
Cockeysville, Maryland 21030

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE  
W/S York Road, 115' N of the c/l of Ashland Road  
8th Election District - 3rd Councilmanic District  
Cockeysville Volunteer Fire Company - Petitioners  
Case No. 89-395-SPHA

Dear Mr. Banister:

In response to your letter dated April 25, 1989 regarding the above-captioned matter, specifically, compliance with Restriction No. 3 of the Order dated April 17, 1989, the following reply is offered.

Due to the substantive nature of your request and conflicting opinions, I have scheduled another hearing for May 22, 1989 at 9:00AM. Your request shall be considered a "motion for reconsideration" and those portions of the Order with which you find conflict shall be reconsidered at said hearing.

For your information, the property will be reposted but not advertised, and the cost of reposting will be born by the Zoning Office, not the Cockeysville Volunteer Fire Company. Please be advised, however, that it will be your responsibility to see that the sign and post are returned to this Office on the day of the hearing.

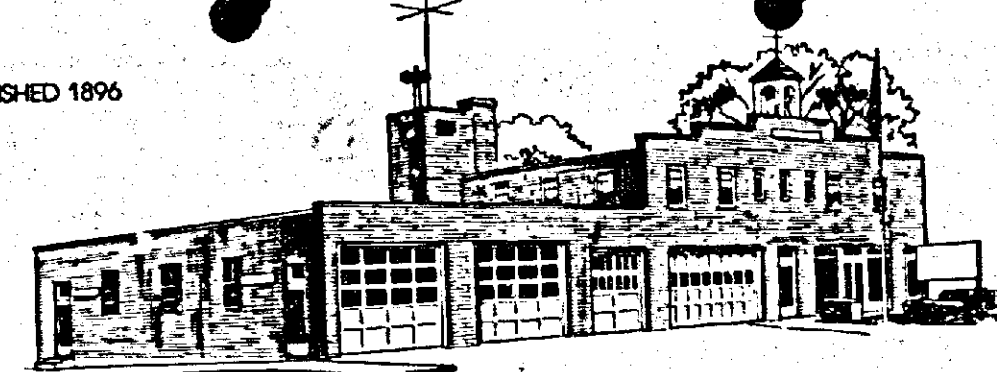
Meanwhile, if you have any further questions on the subject, please do not hesitate to call me.

Very truly yours,  
J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: James F. Offutt, Jr., Esquire  
Ralph K. Rothwell, Jr., Esquire  
Jeffrey B. Hazard, Esquire  
Case File  
People's Counsel

ESTABLISHED 1896



COCKEYSVILLE VOLUNTEER FIRE COMPANY  
COCKEYSVILLE, MARYLAND 21030

April 25, 1989

Hand Delivered

Mr. J. Robert Haines  
Zoning Commissioner  
Baltimore County  
Office of Planning and Zoning  
Towson, Maryland 21204

RE: Petitions for Special Hearing and Zoning Variance  
W/S York Road, 115' N of the c/l of Ashland Road  
8th Election District - 3rd Councilmanic District  
Cockeysville Volunteer Fire Company - Petitioners  
Case No. 89-395-SPHA

Dear Mr. Haines:

At your request, as President of Cockeysville Volunteer Fire Company, I wish to confirm to you that the leasing arrangement which the Cockeysville Volunteer Fire Company has with the tenant for the front portion of the property requires that the 30 foot access road along the south side of the property be used in common with the Fire Company and the tenant. The lease also provides that the Fire Company should deliver to the tenant the property in its present condition which would require that the building be left standing as it now exists. The Fire Company, therefore, needs to be able to assure the tenant that the structure could remain and there would be no requirements to remove a portion of the present structure.

If you have any questions concerning this lease provision or other lease provisions as they may affect access or the

RECEIVED  
APR 25 1989

ZONING OFFICE

Mr. J. Robert Haines

April 25, 1989

construction of the fire station, please do not hesitate to give me a call.

Yours truly,

COCKEYSVILLE VOLUNTEER FIRE COMPANY  
Elwood Banister  
President

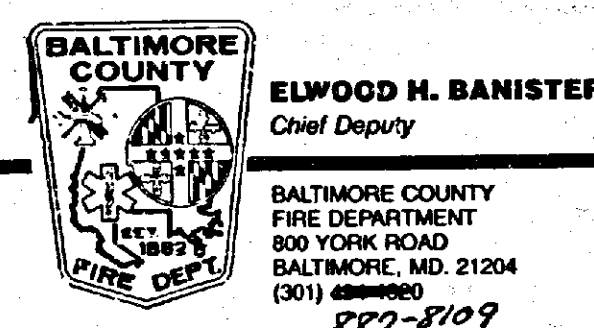
EB/jcf

cc: Jeffrey B. Hazard  
James F. Offutt, Jr.  
Ralph K. Rothwell, Jr.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
George F. Gavels	DMN- 200 E. Penn Avenue Towson 21204
Frank M. D. Myers	11229 CHERRY AVE PHOENIX MD 21131
Grason E. Fawble	10804 Greenleaf Rd Cockeysville, Md 21030
John T. Hallend	11229 York Rd Cockeysville, Md 21030
Charles C. Cole	10809 Virginia Ave Cockeysville, Md 21030
CLARENCE E. TRACEY	10515 SAMONA AVE 21030
SARAH H. ADAMS	11424 YORK RD 21030
Jeffrey B. Hazard	717 YORK ROAD 21204
Michael E. Daylady	511 HANNA RD. 21030



ELWOOD H. BANISTER  
Chief Deputy

BALTIMORE COUNTY  
FIRE DEPARTMENT  
800 YORK ROAD  
BALTIMORE, MD 21204  
(301) 887-3109

DAFT MCCUNE WALKER, INC.

Land Planning & Development Consultants

George E. Gavels  
Vice President

220 East Pennsylvania Ave  
Towson, Maryland 21204  
301 296 3333  
Fax 301 296 4705

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 841 Date of Posting: 3-16-89  
Posted for: Special Hearing & Zoning Variance  
Petitioner: Cockeysville Volunteer Fire Company  
Location of property: W/S York Rd., 115' N c/l Ashland Road  
Location of Sign: W/S York Rd., in front of subject property  
Remarks: Frank M. D. Myers  
Posted by: Frank M. D. Myers Date of return: 3-17-1989  
Number of Signs: 2

CERTIFICATE OF PUBLICATION  
TOWSON, MD., March 10, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive issues, the first publication appearing on March 9, 1989.

TOWSON TIMES.

S. Zeke Olson  
Publisher

PO 10466  
reg. M 27072  
price \$109.58

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Jeffrey B. Hazard Esq	717 York Road Towson, Md. 21204

CERTIFICATE OF PUBLICATION  
TOWSON, MD., March 10, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 9, 1989.

THE JEFFERSONIAN,

S. Zeke Olson  
Publisher

PO 10466  
reg. M 27072  
price \$109.58

JAMES F. OFFUTT, JR.  
ATTORNEY AT LAW  
JEFFERSON BUILDING  
TOWSON, MARYLAND 21204

April 3, 1989

RECEIVED  
APR 1 1989

ZONING OFFICE

Hand Delivered

Mr. J. Robert Haines  
Zoning Commissioner  
Baltimore County Office Building  
Towson, Maryland 21204

RE: Petition for Special Hearing &  
Zoning Variance  
Case No. 89-395-SPHA  
W/S York Rd, 115' N c/Ashland  
Road

Dear Mr. Haines:

I am enclosing a clean print of the plan which was introduced at the zoning hearing under the above-captioned matter.

If you have any questions concerning this matter, please let me know.

Yours truly,

James F. Offutt, Jr.  
James F. Offutt, Jr.

JFO, JR/jcf

Enclosure

cc: Ralph K. Rothwell, Jr., Esq.  
Elwood Banister



JEFFREY B. HAZARD, C.P.A.  
Attorney at Law  
111 York Road  
Towson, Maryland 21204  
(301) 828-8800

RECEIVED  
APR 1 1989

March 30, 1989 ZONING OFFICE

Mr. J. Robert Haines  
Zoning Commissioner  
Office of Planning & Zoning  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Cockeysville Volunteer Fire Hall

Dear Mr. Haines:

I would like to take off my attorney/cor dealer hat and write to you as a concerned citizen whose household is serviced by the Cockeysville Volunteer Fire Company.

As I mentioned at the hearing yesterday, I have no problem with the fire company constructing a new facility and receiving a variance for setbacks for that new facility. I have a serious problem, however, with granting a variance for the setback of the existing facility just as a matter of "housekeeping", and I believe the rest of the community should have an opportunity to input whether this variance should be granted. This is especially true in light of the fact that up until the hearing the community had no idea that a car dealership was going to be installed in the old facility.

The ultimate use of that old building is of vital concern to the community. The fact that the building does not comply with existing setbacks is fine as long as the current use remains. When the current use is removed, however, and a more offensive use is installed, the community should have an opportunity to respond.

Let me paint one scenario for your consideration, and then I will leave you in peace. Imagine what would happen if the access/egress from the fire facility is blocked by a disabled vehicle brought in by an unaware towing service late at night, or an irate customer who blocks the driveway inten-

Mr. J. Robert Haines  
Page 2

March 30, 1989

tionally in an effort to "get even" with the dealership, or an innocent customer parks his car and walks away because he wishes to get a quick look at the new models. All of these events have occurred at my dealership in the past, and I do not have the need for emergency access. I would hate to have to explain to the poor soul whose house is burning to the ground and whose family is in jeopardy that the volunteer fire company could not respond because their equipment was held up behind one of these situations.

Thank you for your consideration and patience.

Sincerely,

*Jeffrey B. Hazard*  
Jeffrey B. Hazard

JBH/as

P.S. I was unable to determine the name of counsel for the fire company, so he was not copied on this letter. If you would provide me with his name and address, I will be happy to send him a copy.

89-395-SPHA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 15th day of February, 1989.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Petitioner: Elwood H. Banister  
Petitioner's Attorney: James F. Offutt, Jr., Esquire  
Received by: James E. Dyer  
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 15, 1989

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

James F. Offutt, Jr., Esquire  
Suite 414, Jefferson Building  
Towson, MD 21204

RE: Item No. 329, Case No. 89-395-SPHA  
Petitioner: Elwood H. Banister  
Petition for Special Hearing and Zoning Variance

Dear Mr. Offutt:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development. Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION: JULIE WINTARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures



Maryland Department of Transportation  
State Highway Administration

RECEIVED  
FEB 23 1989  
ZONING OFFICE

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204  
Att: James Dyer

Re: Baltimore County  
Cockeysville Volunteer  
Fire Company  
Zoning meeting 2/14/89  
W/S York Road  
MD 45  
115' north of Ashland Rd  
Item #329

Dear Mr. Haines:

After reviewing the submittal for a special hearing to approve the plan submitted by the Cockeysville Volunteer Fire Company, we have the following comments:

We are agreeable to this 30' entrance, however, plan must indicate construction of concrete curb and gutter with 10' radii. Also, a future 80' right-of-way on York Road must be shown on the plan.

We will require the existing 70' entrance to be channelized with curb and gutter if and when the existing fire hall is used for other purposes.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,

*Larry Brocato*  
LARRY BROCATO, JR.  
Chief, Bureau of Engineering  
Access Permits

LB/es

cc: Daft McCune-Walker Inc.  
Mr. J. Ogle

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5182 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-2323

J. Robert Haines  
Zoning Commissioner

February 28, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing and Zoning Variance  
CASE NUMBER: 89-395-SPHA  
W/S York Road, 115' N c/l Ashland Road  
8th Election District - 3rd Councilmanic  
Petitioner(s): Cockeysville Volunteer Fire Company  
HEARING SCHEDULED: WEDNESDAY, MARCH 29, 1989 at 3:00 p.m.

Special Hearings Approval of the plan submitted by Cockeysville Volunteer Fire Company because its specific use is different than the use as specified under policy 89-108. Variance to permit side and rear yards of 10 feet instead of the required 30 feet for proposed Fire Hall; a side yard of 0 feet instead of 30 feet for existing building.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

*J. Robert Haines*

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: James F. Offutt, Jr., Esq.  
File  
Edward H. Banister

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
494-3554

March 1, 1989

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

Dear Mr. Haines,

The Bureau of Traffic Engineering has no comments for items number 255, 318, 322, 324, 325, 326, 327, 328, & 329.

Very truly yours,

*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineer Assoc. II

MSF/lab

RECEIVED  
MAR 3 1989

ZONING OFFICE

Case No. 89-395-SPHA  
W/S York Road, 115' N c/l Ashland Road  
8th Election District - 3rd Councilmanic  
Petitioner(s): Cockeysville Volunteer Fire Company

We, the residents and property owners of the community surrounding the Cockeysville Volunteer Fire Company, in requesting the Zoning Commissioner of Baltimore County to permit the zoning variance requested by the Cockeysville Volunteer Fire Company, specifically, to permit the construction of a new fire station at that location; to bring an existing building in compliance current regulations of zoning; to permit side and rear yards of ten feet instead of the required thirty feet for the proposed fire hall and a side yard of zero feet instead of thirty feet for the existing building. We believe a failure to grant the requested variance would work a hardship upon both the Cockeysville Volunteer Fire Company and the community in general that relies upon their services and further that the requested variance and proposed plans for the new fire station are beneficial and in the best interests of the health and welfare of the community generally and that there is a public need for the structure requested.

Name	Address	Date
James F. Offutt	5 Cross Falls Circle	3-25-89
James F. Offutt	1 Cross Falls Circle	3-25-89
James F. Offutt	12 Cross Falls Circle	3-25-89
James F. Offutt	18 Cross Falls Circle	3-25-89
James F. Offutt	18 Cross Falls Circle	3-25-89
James F. Offutt	12 Victoria Falls Way	3-25-89
James F. Offutt	4 Victoria Falls Dr.	3-25-89
James F. Offutt	6 Victoria Falls Dr.	3-25-89
James F. Offutt	8 Victoria Falls Dr.	3-25-89
James F. Offutt	10 Victoria Falls Dr.	3-25-89
James F. Offutt	15 Victoria Falls Dr.	3-25-89
James F. Offutt	23 Victoria Falls Dr.	3-25-89
James F. Offutt	25 Victoria Falls Dr.	3-25-89
James F. Offutt	2 Meadows Run	3-25-89

PETITIONER'S  
EXHIBIT 3

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AND RESOURCE MANAGEMENT

2/2/89  
Date

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # 329, Zoning Advisory Committee Meeting of February 14, 1989

Property Owner: Cockeysville Volunteer Fire Company

Location: W/S of York Rd, 115' N of centerline of Ashland Rd

Water Supply: metro Sewage Disposal: metro

COMMENTS ARE AS FOLLOWS:

- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- ( ) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- ( ) A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for any charcoal generation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-630 x 315.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- ( ) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- ( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- ( ) Soil percolation tests, have been \_\_\_\_\_, must be \_\_\_\_\_ conducted.  
( ) The results are valid until \_\_\_\_\_  
( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- ( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test  
( ) shall be valid until \_\_\_\_\_  
( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- ( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- ( ) In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- ( ) Others

*G. D. [Signature]*  
BUREAU OF WATER QUALITY AND RESOURCE  
MANAGEMENT



Baltimore County  
Fire Department  
Towson, Maryland 21204-2536  
434-4500  
Paul H. Reincke  
Chief

J. Robert Haines, Zoning Commissioner  
Office of Planning & Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Re: Property Owner: Cockeysville Volunteer Fire Company  
Location: W/S of York Road, 115' North of centerline of  
Ashland Road  
Item No.: 329  
Zoning Agenda: 02/14/89

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "R" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: *[Signature]*  
APPROVED: *[Signature]*  
Special Inspection Division

NOTED & APPROVED: *[Signature]*  
Fire Prevention Bureau

/s/

291-10/13/88  
AIC99

#### GROUND LEASE

THIS GROUND LEASE (this "Lease") is made on this 21<sup>st</sup> day of October, 1988, by and between COCKEYSVILLE VOLUNTEER FIRE COMPANY, a Maryland corporation ("Landlord"), and LOUDA LIMITED PARTNERSHIP, a Maryland limited partnership ("Tenant").

#### WITNESSETH:

That, for and in consideration of the respective representations and agreements, the payment of the rent and the performance of the covenants, terms and conditions herein contained, Landlord does hereby lease and demise unto Tenant and Tenant does hereby rent from Landlord the hereinafter described property, upon the following terms and conditions:

#### 1. DEMISED PREMISES.

Landlord hereby leases to Tenant and Tenant hereby rents from Landlord all that parcel or lot of land located in Baltimore County, Maryland, lying in an area bounded by York Road, Wright Avenue, Pepper Road, and Schilling Road, containing approximately 2.08 acres of which 1.21 acres are zoned Business, Roadside - Industrial Major and 0.87 acres are zoned Manufacturing, Light - Industrial Major, and more particularly described on Exhibit A attached hereto and made a part hereof, together with any and all rights, privileges, and easements benefitting, belonging, or pertaining thereto (the "Land"). This Lease shall include certain structures, buildings, fixtures, equipment, improvements, and appurtenances hereafter built, constructed, located, situated, or attached on, upon, or to the Land (collectively the "Improvements"). Any and all such Improvements shall be subject to the applicable provisions of this Lease.

#### 2. STATE OF DEMISED PREMISES.

It is understood and agreed that the Land is being leased to Tenant in its present "as is" condition. Landlord shall have no duty or liability under this Lease to Tenant to erect, construct, remove, or in any way modify, repair, or maintain the Improvements, or to install or remove any fixtures, furnishings, appliances, or any other items or articles of personal property on or upon the Land or the Improvements. Landlord shall remove the bell from the tower which is part of the Improvements located on the Property.

#### 3. TERM.

(a) The term of this Lease shall commence on the date Landlord's new fire station has been substantially completed and Landlord has vacated its present location, but in no event

291-10/13/88  
AIC99

#### 30. RIGHT-OF-WAY.

A right-of-way in common with Tenant/XXXXXXXXX is hereby reserved for the use of Landlord as a permanent access for other appurtenant land owned by Landlord. This right-of-way (a) shall be thirty (30) feet in width along the south side of the Land, (b) shall be used for vehicular access only, and (c) shall be paved and maintained at Tenant's sole cost and expense. Landlord and Tenant hereby agree that no vehicles shall be parked in the paved area of the right-of-way at any time. If a vehicle is parked in the paved area of the right-of-way, either party may, upon appropriate posting, tow, or caused to be towed, the vehicle.

#### 31. TERMINATION OF LEASE.

This Lease shall automatically terminate on March 31, 1990, if Landlord has not then received approval from the County Review Group to subdivide the 3.08 acre parcel of land into two (2) parcels, one parcel comprising the Land and containing 2.08 acres and the other parcel containing 1.00 acre. Landlord shall use its best efforts to obtain such approval as soon as possible. If this Lease terminates, all sums of money paid by Tenant to Landlord shall be returned immediately to Tenant.

#### 32. NOTICE.

Any notice to be given to Landlord shall be mailed to Landlord, postage prepaid, by certified mail, return receipt requested to the following address:

P. O. Box 341  
Hunt Valley, Maryland 21030  
Attn: Mr. James Walker

with a copy to:

James P. Offutt, Jr., Esquire  
Jefferson Building  
Towson, Maryland 21204

Any notice to be given to Tenant shall be mailed to Tenant, postage prepaid, by certified mail, return receipt requested, to the following address:

c/o Towson Dodge  
1705 East Joppa Road  
Baltimore, Maryland 21234  
Attn: Mr. Louis M. Schaefer

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

J. Robert Haines  
Zoning Commissioner

Date: March 28

Pat Keller, Deputy Director  
Office of Planning and Zoning

Cockeysville Vol. Fire Co.  
Zoning Petition No. 89-395-SPHA

ZONING OFFICE

The petitioner is requesting a special hearing to relocate the Cockeysville Volunteer Fire Co. to the rear of its lot. The petitioner is requesting variances to a side and rear yard of 10 feet versus the 30 feet required; and a variance to allow a side yard setback of 0 feet versus the 30 feet required for the existing building.

The existing building applied for and received a waiver of CRG on 1/19/89.

One of the primary concerns within the Office of Planning and Zoning is the reverse of the existing fire station on York Road. The layout, design and redevelopment of that portion of the site raises planning concerns of 1) adequate parking lot layout, 2) shared access with the relocated fire company, and 3) elimination of the 70 foot curb cut along York Road. Because the front portion of the applicant's site has not been scheduled for redevelopment, staff feels that any variances to the existing structure would be premature. Although the variances are technically applied to the existing building at its existing configuration, the granting of variances might extend to future development and might prevent the County from obtaining future adjustments to any redevelopment proposed in the future, including building expansion in depth, height, etc.

Based upon the information provided and analysis conducted, staff recommends approval of the variances and special hearing for the proposed fire station and deferral or denial of the variances for the existing station until a redevelopment plan for the old fire station is submitted for review and approval. Variances for the existing station should not be heard or approved until a redevelopment plan is available for review and comment by planning staff subject to the following conditions:

- ✓ A landscape plan shall be reviewed and approved by the County landscape planner.
- ✓ The petitioner shall demonstrate to the County that adequate access can be provided through the site to York Road.
- ✓ The petitioner shall provide only one means of shared ingress and egress onto York Road and shall assure that the 70 foot open curb cut used for fire vehicles will be closed and not be used by subsequent office or retail tenants.

CPS-008

89-395-SPHA  
March 28, 1989

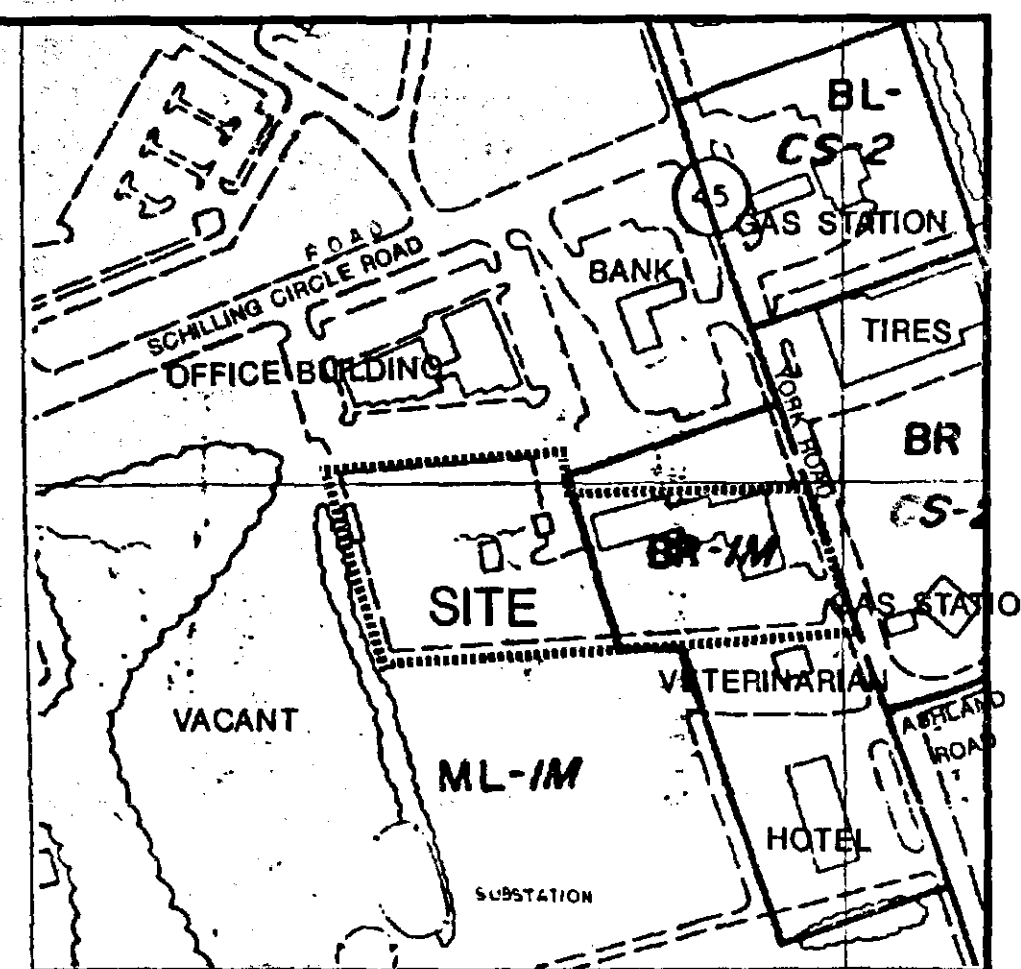
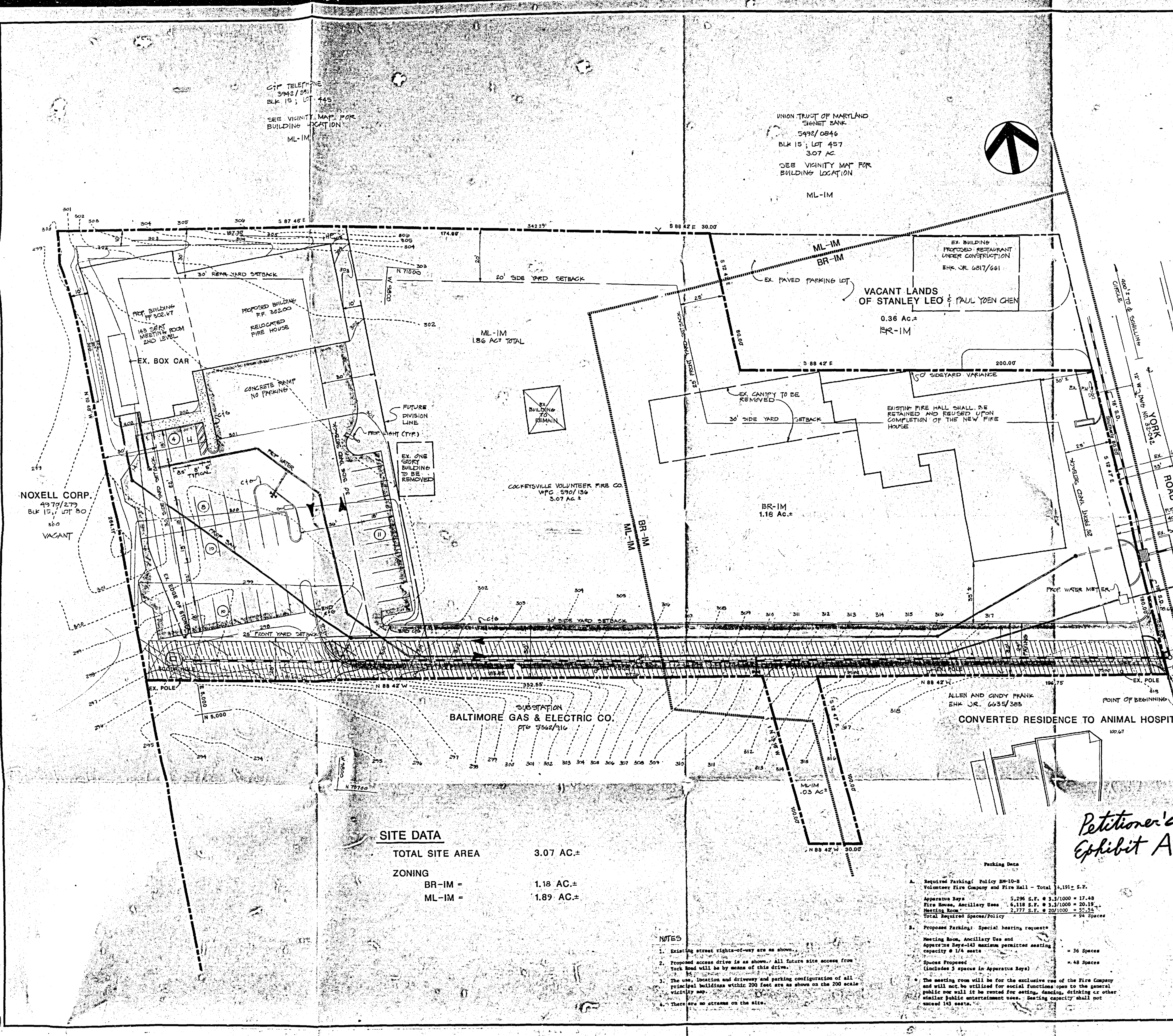
Page Two

The Office of Planning and Zoning has noted that:

1. Health, Safety, Welfare - appear to be met by this vital service and the site plan appears adequate.
2. Surrounding Development - the project blends in well as a use with surrounding development.
3. Orderly Development - an upgraded fire station and attendant services is in conformance with the orderly and nominal development of the area.
4. Site Design, Building Design - the site design is laid out to facilitate in the efficient movement of traffic and vehicles. Elevations for buildings have not been provided.
5. Landscaping - a landscape plan should be submitted for the project.
6. Hours of Operation - as a public service, the hours of operation will not have an impact on surrounding uses.
7. Ingress and Egress - the proposed site has adequate ingress/egress; the existing building along York Road should consolidate access to one shared location.
8. Noise, odors, trash - appear to be compatible with surrounding uses.

JK/sf





VICINITY MAP  
(Part of sheet NW 18-B)  
Scale 1"=200'

SITE DATA	
TOTAL SITE AREA	3.07 AC.±
ZONING	
BR-IM =	1.18 AC.±
ML-IM =	1.89 AC.±

NOTES

- Existing street rights-of-way are as shown.
- Proposed access drive is as shown. All future site access from York Road will be by means of this drive.
- The use, location and driveway and parking configuration of all principal buildings within 200 feet are as shown on the 200 scale vicinity map.
- There are no streams on the site.

- Parking Data
- A. Required Parking: Policy BM-10-B  
Volunteer Fire Company and Fire Hall - Total 14,191± S.F.  
Apparatus Bays 5,296 S.F. @ 3.3/1000 = 17.48  
Fire House, Ancillary Uses 6,118 S.F. @ 3.3/1000 = 20.19  
Meeting Room 2,777 S.F. @ 20/1000 = 55.55  
Total Required Spaces/Policy 94 Spaces
- B. Proposed Parking: Special hearing requested  
Meeting Room, Ancillary Use and Apparatus Bays-143 maximum permitted seating capacity @ 1/4 seats = 36 Spaces  
Spaces Proposed (includes 3 spaces in Apparatus Bays) = 48 Spaces
- C. The meeting room will be for the exclusive use of the Fire Company and will not be utilized for social functions open to the general public nor will it be rented for eating, drinking or other similar public entertainment uses. Seating capacity shall not exceed 143 seats.

Petitioner's  
Exhibit A



DAFT · McCUNE · WALKER INC.  
LAND PLANNING CONSULTANTS  
LANDSCAPE ARCHITECTS  
ENGINEERS & SURVEYORS  
200 E. PENNSYLVANIA AVE.  
TOWSON, MD. 21204  
TELEPHONE: (410) 294-3333

WAIVER W-88-271 CR6 MEETING ONLY

COCKEYSVILLE  
VOLUNTEER FIRE DEPARTMENT  
VARIANCE PLAN

ELECTION DISTRICT 8 CONGRESSIONAL DISTRICT 3



DATE	REVISIONS
1/25/89	PAVING DATA SPECIAL HEARING
3/29/89	REVISED BUILDING FOOTPRINT, PARKING AND GRADING

SCALE:  
1"= 20'  
JOB ORDER NO.  
87049  
ISSUE DATE  
1/27/89



**GROUND FLOOR PLAN**

**UPPER FLOOR PLAN**

*Petitioner's  
Exhibit B*

GERARD A. BAXTER INC.  
221 SOUTH MAIN STREET  
BEL AIR, MARYLAND 21034  
**ARCHITECT**

NEW FACILITY FOR  
**COCKEYSVILLE VOLUNTEER  
FIRE COMPANY**  
YORK ROAD, BALTIMORE COUNTY, MARYLAND

88.08  
10.27.88  
**A.1**